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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation/Petition to
12 Revoke Probation Against:

13 **BONNIE S. HOWES, AKA**
14 **BONNIE S. HENRY, AKA**
15 **BONNIE S. HEATH**
74 Girardin Lane
Portland, ME 04274
Registered Nurse License No. 634255

16 Respondent.

Case No. 2011-17

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation and Petition to
21 Revoke Probation solely in her official capacity as the Interim Executive Officer of the Board of
22 Registered Nursing ("Board"), Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about March 12, 2004, the Board issued Registered Nurse License Number
25 634255 to Bonnie S. Howes, also known as Bonnie S. Heath, and Bonnie S. Henry
26 ("Respondent"). The registered nurse license expired on May 31, 2005, and has not been
27 renewed.

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1 **Prior Discipline**

2 3. In a disciplinary action entitled "In the Matter of Accusation Against Bonnie S.
3 Howes, aka Bonnie S. Heath, and Bonnie S. Henry, " Case No. 2008-7, the Board of Registered
4 Nursing issued a Decision in the Stipulated Settlement and Disciplinary Order, in that effective
5 April 21, 2008, Respondent's Registered Nurse License Number 634255 was revoked. However,
6 the revocation was stayed and Respondent was placed on probation for a period of three (3) years
7 with certain terms and conditions. A copy of that decision is attached as **Exhibit A** and is
8 incorporated by reference.

9 **STATUTORY PROVISIONS**

10 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
11 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
12 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
13 the Nursing Practice Act.

14 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
15 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
16 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
17 (b), the Board may renew an expired license at any time within eight years after the expiration.

18 6. Code section 2761 states, in pertinent part:

19 The board may take disciplinary action against a certified or licensed
20 nurse or deny an application for a certificate or license for any of the following:

21 (a) Unprofessional conduct, which includes, but is not limited to, the
 following:

22 (4) Denial of licensure, revocation, suspension, restriction, or any other
23 disciplinary action against a health care professional license or certificate by another
24 state or territory of the United States, by any other government agency, or by another
 California health care professional licensing board. A certified copy of the decision
 or judgment shall be conclusive evidence of that action.

25 **COST RECOVERY**

26 7. Code section 125.3 provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **ACCUSATION**

4 **Factual Background**

5 8. On or about October 13, 2008, Respondent entered into a Consent Agreement for
6 License Probation with Conditions, attached hereto as **Exhibit B**, with the State of Maine, Board
7 of Nursing wherein Respondent was placed on 3 years probation with conditions due to the
8 disciplinary action by the California Board of Registered Nursing in Accusation No. 2008-7,
9 **Exhibit A**.

10 9. Condition 8(f) of the Consent Agreement for Probation, **Exhibit B**, stated that
11 Respondent "will notify any and all of her nursing employers and faculty involved in any clinical
12 studies of the terms of this Consent Agreement and provide them with a copy of it".

13 10. Condition 8(g) states that Respondent "will arrange for and ensure the submission to
14 the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her
15 general nursing practice".

16 11. Respondent admits that she failed to comply with the conditions of her probation by
17 forging the signatures of her nursing supervisor, Director of Nursing Doris Babbidge, on quarterly
18 reports.

19 **CAUSE FOR DISCIPLINE**

20 12. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
21 on the grounds of unprofessional conduct, in that Respondent has been disciplined by the Maine
22 Nursing Board. On or about December 28, 2009, Respondent entered into a Consent Agreement
23 for Voluntary Surrender of License, attached hereto as **Exhibit C**, with the Maine Nursing Board.
24 The basis for discipline was that Respondent failed to follow the conditions of her probation in
25 Maine, as more particularly set forth in paragraph 11, above, which constitutes a new and
26 separate cause for discipline in California.

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1 PETITION

2 13. Grounds exist for revoking the probation and reimposing the order of revocation of
3 Respondent's Registered Nurse License No. 634255. Condition 12 of the Stipulated Settlement
4 and Disciplinary Order states:

5 If Respondent violates the conditions of her probation, the Board after
6 giving the Respondent notice and an opportunity to be heard, may set aside the stay
7 order and impose the stayed discipline (revocation/suspension) of the Respondent's
8 license.

9 If during the period of probation, an accusation or petition to revoke
10 probation has been filed against Respondent's license or the Attorney General's
11 Office has been requested to prepare an accusation or petition to revoke probation
12 against Respondent's license, the probationary period shall automatically be extended
13 and shall not expire until the accusation or petition has been acted upon by the Board.

14 14. Respondent has violated the Probation Program, as more particularly set forth in the
15 following paragraphs:

16 CAUSE TO REVOKE PROBATION

17 (Failure to Notify the Board of a Change in Address and her Status of Practice)

18 15. At all times after the effective date of Respondent's probation, Condition 4, stated, in
19 part:

20 Periods of residency or practice as a registered nurse outside of California
21 shall not apply toward a reduction of this probation time period. Respondent's
22 probation is tolled, if and when she resides outside of California. Respondent must
23 provide written notice to the Board within 15 days of any change of residency or
24 practice outside the state, and within 30 days prior to re-establishing residency or
25 returning to practice in this state.

26 Respondent shall provide a list of all states and territories where she has
27 ever been licensed as a registered nurse, vocational nurse, or practical nurse.
28 Respondent shall further provide information regarding the status of each license and
any changes in such license status during the term of probation. Respondent shall
inform the Board if she applies for or obtains a new nursing license during the term of
probation.

16. Respondent's probation is subject to revocation because she failed to comply with
Probation Condition 4, referenced above. The facts and circumstances regarding this violation
are that Respondent failed to notify the Board of her change in status in the state of Maine, as
more particularly set forth in paragraph 11, above. Further, Respondent failed to notify the Board
of her change of address within 15 days.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 634255, issued to Bonnie
5 S. Howes, also known as Bonnie S. Heath, and Bonnie S. Henry;

6 2. Ordering Bonnie S. Howes, also known as Bonnie S. Heath, and Bonnie S. Henry to
7 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of
8 this case, pursuant to Business and Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.
10
11

12 DATED: July 7, 2010

Louise R. Bailey
13 LOUISE R. BAILEY, M.ED., RN
14 Interim Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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Exhibit A
Decision and Order
Board of Registered Nursing 2011-17

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Bonnie S. Howes
27 Miami Avenue, #2
Auburn, ME 04210

Case No. 2008-7

Registered Nurse License No. 634255

Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on April 21, 2008.

IT IS SO ORDERED March 20, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JANICE K. LACHMAN
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3 KENT D. HARRIS, State Bar No. 144804
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6 Facsimile: (916) 324-5567

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-7

12 BONNIE S. HOWES AKA BONNIE S. HEATH
AKA BONNIE S. HENRY
13 27 Miami Avenue #2
Auburn, ME 04210

OAH No. 2007080473

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14
15 Registered Nurse License No. 634255

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Kent D. Harris, Deputy Attorney General.

24 2. Respondent Bonnie S. Howes aka Bonnie S. Heath aka Bonnie S. Henry
25 Bonnie S. Howes aka Bonnie S. Heath aka Bonnie S. Henry (Respondent) is representing herself
26 in this proceeding and has chosen not to exercise her right to be represented by counsel.

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1 3. On or about March 12, 2004, the Board of Registered Nursing issued
2 Registered Nurse License No. 634255 to Bonnie S. Howes aka Bonnie S. Heath aka Bonnie S.
3 Henry (Respondent). The license expired on May 31, 2005 and has not been renewed.

4 JURISDICTION

5 4. Accusation No. 2008-7 was filed before the Board of Registered Nursing
6 (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The
7 Accusation and all other statutorily required documents were properly served on Respondent on
8 July 26, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy
9 of Accusation No. 2008-7 is attached as exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations
12 in Accusation No. 2008-7. Respondent has also carefully read, and understands the effects of
13 this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 2008-7.

26 9. Respondent agrees that her Registered Nurse License is subject to
27 discipline and she agrees to be bound by the Board of Registered Nursing (Board) 's imposition
28 of discipline as set forth in the Disciplinary Order below.

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1 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
2 A full and detailed account of any and all violations of law shall be reported by Respondent to
3 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
4 compliance with this condition, Respondent shall submit completed fingerprint forms and
5 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
6 as part of the licensure application process.

7 **Criminal Court Orders:** If Respondent is under *criminal court orders*, including
8 probation or parole, and the order is violated, this shall be deemed a violation of these probation
9 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

10 2. **Comply with the Board's Probation Program.** Respondent shall fully
11 comply with the conditions of the Probation Program established by the Board and cooperate
12 with representatives of the Board in its monitoring and investigation of the Respondent's
13 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
14 within no more than 15 days of any address change and shall at all times maintain an active,
15 current license status with the Board, including during any period of suspension.

16 Upon successful completion of probation, Respondent's license shall be fully
17 restored.

18 3. **Report in Person.** Respondent, during the period of probation, shall
19 appear in person at interviews/meetings as directed by the Board or its designated
20 representatives.

21 4. **Residency, Practice, or Licensure Outside of State.** Periods of
22 residency or practice as a registered nurse outside of California shall not apply toward a reduction
23 of this probation time period. Respondent's probation is tolled, if and when she resides outside
24 of California. Respondent must provide written notice to the Board within 15 days of any change
25 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
26 returning to practice in this state.

27 Respondent shall provide a list of all states and territories where she has ever been
28 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further

1 provide information regarding the status of each license and any changes in such license status
2 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
3 new nursing license during the term of probation.

4 **5. Submit Written Reports.** Respondent, during the period of probation,
5 shall submit or cause to be submitted such written reports/declarations and verification of actions
6 under penalty of perjury, as required by the Board. These reports/declarations shall contain
7 statements relative to Respondent's compliance with all the conditions of the Board's Probation
8 Program. Respondent shall immediately execute all release of information forms as may be
9 required by the Board or its representatives.

10 Respondent shall provide a copy of this Decision to the nursing regulatory agency
11 in every state and territory in which she has a registered nurse license.

12 **6. Function as a Registered Nurse.** Respondent, during the period of
13 probation, shall engage in the practice of registered nursing in California for a minimum of 24
14 hours per week for 6 consecutive months or as determined by the Board.

15 For purposes of compliance with the section, "engage in the practice of registered
16 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
17 work in any non-direct patient care position that requires licensure as a registered nurse.

18 The Board may require that advanced practice nurses engage in advanced practice
19 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
20 Board.

21 If Respondent has not complied with this condition during the probationary term,
22 and Respondent has presented sufficient documentation of her good faith efforts to comply with
23 this condition, and if no other conditions have been violated, the Board, in its discretion, may
24 grant an extension of Respondent's probation period up to one year without further hearing in
25 order to comply with this condition. During the one year extension, all original conditions of
26 probation shall apply.

27 **7. Employment Approval and Reporting Requirements.** Respondent
28 shall obtain prior approval from the Board before commencing or continuing any employment,

1 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
2 performance evaluations and other employment related reports as a registered nurse upon request
3 of the Board.

4 Respondent shall provide a copy of this Decision to her employer and immediate
5 supervisors prior to commencement of any nursing or other health care related employment.

6 In addition to the above, Respondent shall notify the Board in writing within
7 seventy-two (72) hours after she obtains any nursing or other health care related employment.

8 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
9 terminated or separated, regardless of cause, from any nursing, or other health care related
10 employment with a full explanation of the circumstances surrounding the termination or
11 separation.

12 8. **Supervision.** Respondent shall obtain prior approval from the Board
13 regarding Respondent's level of supervision and/or collaboration before commencing or
14 continuing any employment as a registered nurse, or education and training that includes patient
15 care.

16 Respondent shall practice only under the direct supervision of a registered nurse
17 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
18 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
19 are approved.

20 Respondent's level of supervision and/or collaboration may include, but is not
21 limited to the following:

22 (a) Maximum - The individual providing supervision and/or collaboration is
23 present in the patient care area or in any other work setting at all times.

24 (b) Moderate - The individual providing supervision and/or collaboration is in
25 the patient care unit or in any other work setting at least half the hours Respondent works.

26 (c) Minimum - The individual providing supervision and/or collaboration has
27 person-to-person communication with Respondent at least twice during each shift worked.

28 (d) Home Health Care - If Respondent is approved to work in the home health

1 care setting, the individual providing supervision and/or collaboration shall have person-to-
2 person communication with Respondent as required by the Board each work day. Respondent
3 shall maintain telephone or other telecommunication contact with the individual providing
4 supervision and/or collaboration as required by the Board during each work day. The individual
5 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
6 site visits to patients' homes visited by Respondent with or without Respondent present.

7 9. **Employment Limitations.** Respondent shall not work for a nurse's
8 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
9 traveling nurse, or for an in-house nursing pool.

10 Respondent shall not work for a licensed home health agency as a visiting nurse
11 unless the registered nursing supervision and other protections for home visits have been
12 approved by the Board. Respondent shall not work in any other registered nursing occupation
13 where home visits are required.

14 Respondent shall not work in any health care setting as a supervisor of registered
15 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
16 nurses and/or unlicensed assistive personnel on a case-by-case basis.

17 Respondent shall not work as a faculty member in an approved school of nursing
18 or as an instructor in a Board approved continuing education program.

19 Respondent shall work only on a regularly assigned, identified and predetermined
20 worksite(s) and shall not work in a float capacity.

21 If Respondent is working or intends to work in excess of 40 hours per week, the
22 Board may request documentation to determine whether there should be restrictions on the hours
23 of work.

24 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
25 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
26 than six months prior to the end of her probationary term.

27 Respondent shall obtain prior approval from the Board before enrolling in the
28 course(s). Respondent shall submit to the Board the original transcripts or certificates of

1 completion for the above required course(s). The Board shall return the original documents to
2 Respondent after photocopying them for its records.

3 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
4 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
5 amount of \$5,612.00. Respondent shall be permitted to pay these costs in a payment plan
6 approved by the Board, with payments to be completed no later than three months prior to the
7 end of the probation term.

8 If Respondent has not complied with this condition during the probationary term,
9 and Respondent has presented sufficient documentation of her good faith efforts to comply with
10 this condition, and if no other conditions have been violated, the Board, in its discretion, may
11 grant an extension of Respondent's probation period up to one year without further hearing in
12 order to comply with this condition. During the one year extension, all original conditions of
13 probation will apply.

14 12. **Violation of Probation.** If Respondent violates the conditions of her
15 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
16 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
17 license.

18 If during the period of probation, an accusation or petition to revoke probation has
19 been filed against Respondent's license or the Attorney General's Office has been requested to
20 prepare an accusation or petition to revoke probation against Respondent's license, the
21 probationary period shall automatically be extended and shall not expire until the accusation or
22 petition has been acted upon by the Board.

23 13. **License Surrender.** During Respondent's term of probation, if she ceases
24 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
25 probation, Respondent may surrender her license to the Board. The Board reserves the right to
26 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
27 take any other action deemed appropriate and reasonable under the circumstances, without
28 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent

1 will no longer be subject to the conditions of probation.

2 Surrender of Respondent's license shall be considered a disciplinary action and
3 shall become a part of Respondent's license history with the Board. A registered nurse whose
4 license has been surrendered may petition the Board for reinstatement no sooner than the
5 following minimum periods from the effective date of the disciplinary decision:

6 (1) Two years for reinstatement of a license that was surrendered for any
7 reason other than a mental or physical illness; or

8 (2) One year for a license surrendered for a mental or physical illness.

9 14. **Physical Examination.** Within 45 days of the effective date of this
10 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
11 physician assistant, who is approved by the Board before the assessment is performed, submit an
12 assessment of the Respondent's physical condition and capability to perform the duties of a
13 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
14 medically determined, a recommended treatment program will be instituted and followed by the
15 Respondent with the physician, nurse practitioner, or physician assistant providing written
16 reports to the Board on forms provided by the Board.

17 If Respondent is determined to be unable to practice safely as a registered nurse,
18 the licensed physician, nurse practitioner, or physician assistant making this determination shall
19 immediately notify the Board and Respondent by telephone, and the Board shall request that the
20 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
21 shall immediately cease practice and shall not resume practice until notified by the Board.
22 During this period of suspension, Respondent shall not engage in any practice for which a license
23 issued by the Board is required until the Board has notified Respondent that a medical
24 determination permits Respondent to resume practice. This period of suspension will not apply
25 to the reduction of this probationary time period.

26 If Respondent fails to have the above assessment submitted to the Board within
27 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
28 practice until notified by the Board. This period of suspension will not apply to the reduction of

1 this probationary time period. The Board may waive or postpone this suspension only if
2 significant, documented evidence of mitigation is provided. Such evidence must establish good
3 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
4 provided. Only one such waiver or extension may be permitted.

5 **15. Participate in Treatment/Rehabilitation Program for Chemical**
6 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
7 period or shall have successfully completed prior to commencement of probation a Board-
8 approved treatment/rehabilitation program of at least six months duration. As required, reports
9 shall be submitted by the program on forms provided by the Board. If Respondent has not
10 completed a Board-approved treatment/rehabilitation program prior to commencement of
11 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
12 a program. If a program is not successfully completed within the first nine months of probation,
13 the Board shall consider Respondent in violation of probation.

14 Based on Board recommendation, each week Respondent shall be required to
15 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
16 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
17 by the Board. If a nurse support group is not available, an additional 12-step meeting or
18 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
19 such attendance to the Board during the entire period of probation. Respondent shall continue
20 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
21 mental health examiner and/or other ongoing recovery groups.

22 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
23 shall completely abstain from the possession, injection or consumption by any route of all
24 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
25 the same are ordered by a health care professional legally authorized to do so as part of
26 documented medical treatment. Respondent shall have sent to the Board, in writing and within
27 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
28 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the

1 medication will no longer be required, and the effect on the recovery plan, if appropriate.

2 Respondent shall identify for the Board a single physician, nurse practitioner or
3 physician assistant who shall be aware of Respondent's history of substance abuse and will
4 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
5 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
6 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
7 condition. If any substances considered addictive have been prescribed, the report shall identify a
8 program for the time limited use of any such substances.

9 The Board may require the single coordinating physician, nurse practitioner, or
10 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
11 addictive medicine.

12 17. **Submit to Tests and Samples.** Respondent, at her expense, shall
13 participate in a random, biological fluid testing or a drug screening program which the Board
14 approves. The length of time and frequency will be subject to approval by the Board.
15 Respondent is responsible for keeping the Board informed of Respondent's current telephone
16 number at all times. Respondent shall also ensure that messages may be left at the telephone
17 number when she is not available and ensure that reports are submitted directly by the testing
18 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
19 to the Board by the program and Respondent shall be considered in violation of probation.

20 In addition, Respondent, at any time during the period of probation, shall fully
21 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
22 tests and samples as the Board or its representatives may require for the detection of alcohol,
23 narcotics, hypnotics, dangerous drugs, or other controlled substances.

24 If Respondent has a positive drug screen for any substance not legally authorized
25 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
26 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
27 from practice pending the final decision on the petition to revoke probation or the accusation.
28 This period of suspension will not apply to the reduction of this probationary time period.

1 If Respondent fails to participate in a random, biological fluid testing or drug
2 screening program within the specified time frame, Respondent shall immediately cease practice
3 and shall not resume practice until notified by the Board. After taking into account documented
4 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
5 Board may suspend Respondent from practice pending the final decision on the petition to
6 revoke probation or the accusation. This period of suspension will not apply to the reduction of
7 this probationary time period.

8 **18. Mental Health Examination:** Respondent shall, within 45 days of the
9 effective date of this Decision, have a mental health examination including psychological testing
10 as appropriate to determine her capability to perform the duties of a registered nurse. The
11 examination will be performed by a psychiatrist, psychologist or other licensed mental health
12 practitioner approved by the Board. The examining mental health practitioner will submit a
13 written report of that assessment and recommendations to the Board. All costs are the
14 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
15 result of the mental health examination will be instituted and followed by Respondent.

16 If Respondent is determined to be unable to practice safely as a registered nurse,
17 the licensed mental health care practitioner making this determination shall immediately notify
18 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
19 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
20 practice and may not resume practice until notified by the Board. During this period of
21 suspension, Respondent shall not engage in any practice for which a license issued by the Board
22 is required, until the Board has notified Respondent that a mental health determination permits
23 Respondent to resume practice. This period of suspension will not apply to the reduction of this
24 probationary time period.

25 If Respondent fails to have the above assessment submitted to the Board within
26 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
27 practice until notified by the Board. This period of suspension will not apply to the reduction of
28 this probationary time period. The Board may waive or postpone this suspension only if

significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 11/30/07

Bonnie S. Howes
BONNIE S. HOWES AKA BONNIE S. HEATH AKA
BONNIE S. HENRY (Respondent)
Respondent

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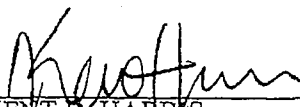
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 11-8-08

EDMUND G. BROWN JR., Attorney General
of the State of California

JANICE K. LACHMAN
Supervising Deputy Attorney General



KENT D. HARRIS
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: 03579-110-SA2006101682
Howes stip.wpd

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART, Bar No. 83047
Supervising Deputy Attorney General
3 KENT D. HARRIS, Bar No. 144804
California Department of Justice
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 327-1466
6 Facsimile: (916) 324-5567
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-7

13 **BONNIE S. HOWES, aka**
14 **BONNIE S. HEATH, aka**
15 **BONNIE S. HENRY**
35 Mitchell Street
Mechanic Falls, ME 04256

ACCUSATION

16 and/or

17 173 Gamage Avenue
Auburn, ME 04210

18 Registered Nurse License No. 634255

19 Respondent.

20 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the
23 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

24 **Registered Nurse License**

25 2. On or about March 12, 2004, the Board of Registered Nursing issued
26 Registered Nurse License Number 634255 ("license") to Bonnie S. Howes, also known as
27 Bonnie S. Heath and Bonnie S. Henry ("Respondent"). The license was in full force and effect at

28 ///

1 all times relevant to the charges brought herein and expired on May 31, 2005, and has not been
2 renewed.

3 JURISDICTION

4 3. Section 2750 of the Business and Professions Code ("Code") provides, in
5 pertinent part, that the Board may discipline any licensee, including a licensee holding a
6 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
7 section 2750) of the Nursing Practice Act.

8 4. Code section 2764 provides, in pertinent part, that the expiration of a
9 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
10 against the licensee or to render a decision imposing discipline on the license. Under Code
11 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
12 years after the expiration.

13 5. Code section 118, subdivision (b), provides, in pertinent part, that the
14 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
15 action during the period within which the license may be renewed, restored, reissued or
16 reinstated.

17 STATUTORY PROVISIONS

18 6. Code section 2761 states, in pertinent part:

19 The board may take disciplinary action against a certified or licensed nurse
20 or deny an application for a certificate or license for any of the following:

21 (a) Unprofessional conduct

22 (f) Conviction of a felony or of any offense substantially related to the
23 qualifications, functions, and duties of a registered nurse, in which event the
record of the conviction shall be conclusive evidence thereof.

24 7. Code section 2762 states, in pertinent part:

25 In addition to other acts constituting unprofessional conduct within the
26 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
for a person licensed under this chapter to do any of the following:

27 (a) Obtain or possess in violation of law, or prescribe, or except as
28 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
himself or herself, or furnish or administer to another, any controlled substance as

1 defined in Division 10 (commencing with Section 11000) of the Health and Safety
2 Code or any dangerous drug or dangerous device as defined in Section 4022.

3 (b) Use any controlled substance as defined in Division 10 (commencing
4 with Section 11000) of the Health and Safety Code, or any dangerous drug or
5 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent
6 or in a manner dangerous or injurious to himself or herself, any other person, or
7 the public or to the extent that such use impairs his or her ability to conduct with
8 safety to the public the practice authorized by his or her license.

9 (c) Be convicted of a criminal offense involving the prescription,
10 consumption, or self-administration of any of the substances described in
11 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
12 record pertaining to, the substances described in subdivision (a) of this section, in
13 which event the record of the conviction is conclusive evidence thereof.

14 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
15 unintelligible entries in any hospital, patient, or other record pertaining to the
16 substances described in subdivision (a) of this section.

17 8. Code section 4060 states, in pertinent part:

18 No person shall possess any controlled substances, except that furnished to
19 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
20 veterinarian, or naturopathic doctor....

21 9. Health and Safety Code section 11173, subdivision (a) provides that no
22 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
23 the administration of or prescription for controlled substances, (1) by fraud, deceit,
24 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

25 COST RECOVERY

26 10. Code section 125.3 provides, in pertinent part, that the Board may request
27 the administrative law judge to direct a licensee found to have committed a violation or
28 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
and enforcement of the case.

29 11. DRUG

30 "Dilaudid," a brand of hydromorphone, is a Schedule II controlled substance as
31 designated by Health and Safety Code section 11055, subdivision (b)(1)(K), and a dangerous
32 drug under Code section 4022 in that under federal or state law it requires a prescription

33 "Lortab and Norco" are brand names for hydrocodone, a Schedule III controlled
34 substance as designated by Health and Safety Code section 11056, subdivision (e)(4), and a

1 dangerous drug under Code section 4022 in that under federal and state law it requires a
2 prescription.

3 "Oxycontin" is a brand name of oxycodone, a Schedule II controlled substance
4 as designated by Health and Safety Code section 11055, subdivision (b)(1)(N), and a dangerous
5 drug pursuant to Code section 4022.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Criminal Conviction)**

8 12. Respondent is subject to discipline under Code sections 2761, subdivision
9 (f), in that on May 19, 2004, in the case of *People vs. Bonnie Sue Howes* (Sup. Ct., Cty of
10 Sacramento, 2004, Case No. 04T02290), Respondent was convicted, by the court, on her plea of
11 guilty of a violation of Vehicle Code section 23152, subdivision (b) (willfully and unlawfully
12 drove a motor vehicle with a blood alcohol level of 0.08% or higher) and Vehicle Code section
13 23578 (during the commission of the above offense, drove a motor vehicle with a concentration
14 of alcohol in her blood of 0.20% or more), both misdemeanors. Such conduct is substantially
15 related to the qualifications, functions, or duties of a licensed registered nurse.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Conviction of a Crime Involving Alcoholic Beverages)**

18 13. Respondent is subject to discipline under Code section 2761, subdivision
19 (a), on the grounds of unprofessional conduct as defined in Code section 2762, subdivision (c), in
20 that on or about May 19, 2004, Respondent was convicted of a crime involving alcoholic
21 beverages, as more particularly set forth in paragraph 12, above.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Used Alcoholic Beverages to an Extent or in a Manner Dangerous
24 or Injurious to Herself)**

25 14. Respondent is subject to discipline under Code section 2761, subdivision
26 (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (b),
27 in that on April 18, 2004, Respondent consumed alcoholic beverages to an extent or in a manner
28 dangerous or injurious to herself, as more particularly set forth in paragraph 12, above.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Obtained and Possessed a Controlled Substance in**
3 **Violation of Law)**

4 15. Respondent is subject to disciplinary action under Code section 2761,
5 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
6 subdivision (a), in that on or about June 29, 2004, through July 1, 2004, while on duty as a
7 registered nurse at Mercy General Hospital, Sacramento, California, Respondent committed acts,
8 as follows:

9 a. Respondent obtained Dilaudid, Lortab/Norco, and Oxycontin, all
10 controlled substances, by fraud, deceit, misrepresentation or subterfuge, in violation of Health
11 and Safety Code section 11173, subdivision (a).

12 b. Respondent possessed Dilaudid, Lortab/Norco, and Oxycontin, all
13 controlled substances, in violation of Code section 4060.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Falsify Patient and/or Hospital Records)**

16 16. Respondent is subject to disciplinary action under Code section 2761,
17 subdivision (a), for unprofessional conduct, as defined by Code section 2762, subdivision (e), in
18 that on or about June 29, 2004, through July 1, 2004, while on duty as a registered nurse at Mercy
19 General Hospital, Sacramento, California, Respondent falsified or made grossly incorrect,
20 inconsistent, or unintelligible entries in hospital and patient records, as follows:

21 **Patient A**

22 a. On June 30, 2004, at 1700 hours, Respondent withdrew 1 Norco tablet
23 from the Control Drug Record; however, there was no physician's order for that drug for this
24 patient. Respondent failed to chart the wastage of any portion of the Norco tablet or otherwise
25 account for the disposition of the drug in any patient or hospital record.

26 b. On June 30, 2004, at 2030 hours, Respondent withdrew 1 two mg. tablet
27 of Dilaudid from the Control Drug Record for this patient. Respondent charted the
28 administration of the Dilaudid in the patient's Medication Administration Record; however,

1 Respondent later admitted she misplaced the medication and had not administered it as charted.
2 This medication, along with the 2 Lortab tablets referenced in subparagraph d, below was found
3 by another nurse in a cup in the narcotic drawer.

4 c. On June 30, 2004, at 2040 hours, Respondent withdrew 1 two mg. tablet
5 of Dilaudid from the Control Drug Record for this patient; however, Respondent failed to chart
6 the administration or wastage of any portion of the Dilaudid tablet or otherwise account for the
7 disposition of the drug in any patient or hospital.

8 d. On June 30, 2004, at 2100 hours, Respondent withdrew 2 Lortab tablets
9 from the Control Drug Record for this patient. Although Respondent charted the administration
10 of the Lortab tablets in the patient's Medication Administration Record, Respondent later
11 admitted she misplaced the medication and had not administered it as charted. This medication,
12 along with the Dilaudid tablet referenced in subparagraph b, above, was found by another nurse
13 in a cup in the narcotic drawer.

14 e. On July 1, 2004, at 1600 hours, Respondent withdrew 3 Oxycontin tablets
15 from the Control Drug Record for this patient. At 1630 hours, Respondent charted the
16 administration of the 3 tablets in the patient's medication administration record; however,
17 Respondent charted the "amount used" column in the Control Drug Record to show that only 1
18 tablet was used.

19 **Patient B**

20 f. On June 29, 2004, at 1800 hours, Respondent withdrew 2 Norco tablets
21 from the Control Drug Record for this patient; however, this patient was not assigned to
22 Respondent. At 1800 hours, Respondent charted the administration of 1 Norco tablet in the
23 patient's Medication Administration Record; however, Respondent failed to chart the
24 administration or wastage of the remaining Norco tablet or otherwise account for the disposition
25 of the drug in any patient or hospital record.

26 **Patient C**

27 g. On June 29, 2004, at 1800 hours, Respondent withdrew 2 Norco tablets
28 from the Control Drug Record when there was no physician's order for this patient. Respondent

1 failed to chart the wastage or otherwise account for the disposition of the Norco tablets in any
2 patient or hospital record.

3 h. On June 29, 2004, at 1800 and 2150 hours, Respondent withdrew 2 Lortab
4 tablets at each time interval from the Control Drug Record for this patient. Respondent charted
5 the administration of 2 tablets of Lortab each time at 1800 and 2200 hours; however, the patient
6 stated she only received 1 tablet each time.

7 **Patient D**

8 i. On June 29, 2004, at 2000 hours, Respondent withdrew 2 Norco tablets for
9 this patient when there was no physician's order. Respondent charted the wastage of the 2
10 Norco tablets with no countersignature.

11 **Patient E**

12 j. On July 1, 2004, at 1436 hours, Respondent withdrew 2 Lortab tablets
13 from the Control Drug Record; however, Respondent failed to chart the administration or
14 wastage of the Lortab tablets or otherwise account for the disposition of the Lortab tablets in any
15 patient or hospital record.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein
18 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 634255, issued
20 to Bonnie S. Howes, also known as Bonnie S. Heath and Bonnie S. Henry;

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1 2. Ordering Bonnie S. Howes, also known as Bonnie S. Heath and Bonnie S.
2 Henry to pay the Board of Registered Nursing the reasonable costs of the investigation and
3 enforcement of this case, pursuant to Code section 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.

6 DATED: 7/6/07

Bl. F. Hochberg for.
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit B

Consent Agreement for License Probation with Conditions
Maine, Board of Registered Nursing



STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0158

JOHN ELIAS BALDACCI
GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
EXECUTIVE DIRECTOR

IN RE: BONNIE S. HOWES, R.N.

a/k/a Bonnie S. Heath

a/k/a Bonnie S. Henry

of Mechanic Falls, Maine

License #R041839 & #P011441

) CONSENT AGREEMENT
) FOR VOLUNTARY SURRENDER
) OF LICENSE

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Bonnie S. Howes's license to practice registered professional and licensed practical nursing in the State of Maine. The parties to this Agreement are Bonnie S. Howes ("Ms. Howes" or "Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine; they enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (C), 10 M.R.S.A. §§ 8003 (A-1) (4), 8003 (5) (B) and 10 M.R.S.A. § 8003 (5) (D). The Board met with the Licensee in an informal conference on October 7, 2009 to discuss further the information submitted by Community Partners, Inc. through letter dated July 21, 2009 and Ms. Howes's response of August 27, 2009.

FACTS

1. Bonnie S. Howes has been a registered professional nurse licensed to practice in Maine since November 1997. She previously held a Maine licensed practical nurse license from August 1996 to April 1998.
2. Bonnie S. Howes entered into a Consent Agreement with the Board on October 21, 2008 for a probationary license with conditions for a term of three years. Conditions 8(f) and 8(g) of the Agreement require Ms. Howes to *notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and provide them with a copy of it and arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice.*

Ms. Howes admits that she failed to comply with these probationary conditions and that she forged the signatures on quarterly reports from her nursing supervisor, Director of Nursing Doris Babbidge, whose name she misspelled by leaving out the "d" in the presumed signature.



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<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149

AGREEMENT

3. In lieu of a hearing before the Board, Bonnie S. Howes offered to voluntarily surrender her registered professional nurse license; the Maine State Board of Nursing will accept her offer.
4. Bonnie S. Howes understands that based upon the above-stated facts, this document imposes discipline regarding her license to practice as a registered professional nurse. The grounds for discipline for violations are under 32 M.R.S. § 2105-A (2) (A), (2) (F), (2) (H) and Chapter 4, sections 1(A) (1), 1(A) (6), 1(A) (8) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. M.R.S.A. § 2105-A (2) (A). The practice of fraud and deceit in connection with service rendered within the scope of the license issued to Ms. Howes by forging the required quarterly reports. (See also Rule Chapter 4, Section 1.A.1.)
 - b. M.R.S.A. § 2105-A (2) (F). Unprofessional Conduct. Ms. Howes engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - c. M.R.S.A. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6.)
5. Bonnie S. Howes understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Howes agrees and understands that if the Board reinstates her license, it will be for a probationary period.
6. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Howes's "home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other party states in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Howes understands this Agreement is subject to the Compact.
7. Ms. Howes understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
8. Bonnie S. Howes shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S.A. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation "R.N.," including in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Howes is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.

9. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
10. Modification of this Agreement must be in writing and signed by all parties.
11. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
12. Bonnie S. Howes affirms that she executes this Agreement of her own free will.
13. This Agreement becomes effective upon the date of the last necessary signature below.

I, BONNIE S. HOWES, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 12/29/09

Bonnie S. Howes, R.N.
BONNIE S. HOWES, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

DATED: Jan 4, 2010

Myra A. Broadway
MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 1/5/10

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General



STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0158

JOHN ELIAS BALDACC
GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
EXECUTIVE DIRECTOR

IN RE: BONNIE S. HOWES, R.N.)
a/k/a/ BONNIE S. HEATH)
a/k/a BONNIE S. HENRY)
of Mechanic Falls, Maine)
License #R041839 & P011441)

CONSENT AGREEMENT
FOR LICENSE PROBATION
WITH CONDITIONS

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Bonnie S. Howes's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003(5) (B). The parties to this Agreement are Bonnie S. Howes ("Licensee" or "Ms. Howes"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on August 12, 2008. The Parties reached this Agreement based upon the below-stated facts:

FACTS

1. Bonnie S. Howes has been a registered professional nurse licensed to practice in Maine since November 1997. She was previously licensed in Maine as a licensed practical nurse from August 1996 to April 1998.
2. Bonnie S. Howes's current declared residency is the State of Maine. Ms. Howes is also licensed as a registered nurse in the State of California, under License No. 634255. On November 30, 2007, Ms. Howes accepted a Stipulated Settlement and Disciplinary Order ("California Order") from the Board of Registered Nursing, Department of Consumer Affairs, State of California ("California Board"), which was adopted by the California Board on March 20, 2008, with an effective date of April 21, 2008. The California Order revokes Ms. Howes's registered nurse license in the State of California; however, the revocation was stayed and the Licensee was placed on probation for three years with conditions. The California Agreement further states that, "Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period." Therefore, Ms. Howes's license probation is tolled while she resides outside California [Exhibit A].
3. Bonnie S. Howes is currently employed as a registered professional nurse at Community Partners, located in Biddeford, Maine.



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FAX: (207) 287-1149

4. Bonnie S. Howes admits that she has a substance abuse problem. She has been substance free since July 2006. The treatment provider report and other information which detail Ms. Howes's recovery are contained in Exhibit B.
5. The Board acknowledges that Ms. Howes has made substantial progress in her treatment and recovery.
6. Bonnie S. Howes wishes to resolve this matter by accepting this Agreement, thereby waiving her rights to an adjudicatory hearing.

AGREEMENT AND CONDITIONS OF PROBATION

7. Bonnie S. Howes understands and agrees that this document imposes discipline regarding her license to practice registered professional nursing and her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(B), (2)(F) and (2)(H) and Chapter, 4(1)(A)(2), 4(1)(A)(6), 4(1)(A)(8) and Chapter 4(3)(K), 4(3)(N) and 4(3)(O) of the Rules and Regulations of the Maine State Board of Nursing.
8. Bonnie S. Howes's license as a registered professional nurse in the State of Maine is placed on probationary status with conditions. The period of probation will commence upon Ms. Howes's return to nursing practice, either through employment and/or pursuant to a clinical nursing educational program. The period of probation will be for a period of three years, effective only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Howes performs nursing services. Ms. Howes's probationary license will be subject to the following conditions:
 - a. Bonnie S. Howes shall fully comply with the conditions of the probation in this Agreement and cooperate with the representatives of the Board in its monitoring and investigation of the Licensee's compliance with probation. Ms. Howes shall inform the Board in writing within 15 days of any address change.
 - b. Bonnie S. Howes will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a treatment provider who is aware of Ms. Howes's substance abuse history.
 - c. Bonnie S. Howes will continue in her aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.
 - d. Bonnie S. Howes will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s) and such reports shall continue

until her probation is terminated. If Ms. Howes's treatment is terminated during her probation, she shall notify the Board.

e. Bonnie S. Howes will notify the Board in writing within five business days after she obtains any nursing employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the nursing educational program. If during the period of probation Ms. Howes's employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, from any nursing employment or nursing educational program with a full explanation of the circumstances surrounding the termination or separation.

f. Bonnie S. Howes will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and provide them with a copy of it.

g. Bonnie S. Howes will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice.

h. Bonnie S. Howes agrees and understands that the Board and the Office of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which the Board deems necessary to evaluate her compliance with the Agreement and continued recovery. Ms. Howes shall provide such information, shall authorize the release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board.

9. Bonnie S. Howes agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the three-year probationary period until and unless the Board, at Ms. Howes's written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Howes has complied with the provisions of this Agreement.
10. If Ms. Howes violates the conditions of her probation, the Board will give written notice to the Licensee regarding her failure to comply. Notice will be sent (by certified mail, return receipt requested) to the last known address of the Licensee that is on file with the Board. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation.

The Board will review the Licensee's timely response to determine what action, if any, the Board determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, the Board may take any disciplinary action which it deems appropriate and impose any of the sanctions including, but not limited to, that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.

11. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Howes's "home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other party states that are in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Howes understands that this document is an Agreement subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice may be limited to the State of Maine as it pertains to the Compact. If Ms. Howes wishes to practice in any other party state within the Compact, she shall arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.
12. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
13. Bonnie S. Howes understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
14. Bonnie S. Howes affirms that she executes this Consent Agreement of her own free will.
15. Modification of this Consent Agreement must in writing and signed by all the parties.
16. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.

17. This Consent Agreement becomes effective upon the date of the last necessary signature below.


I, BONNIE S. HOWES, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 10/13/08


BONNIE S. HOWES, R.N.

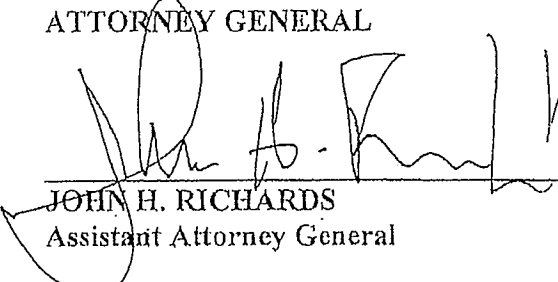
FOR THE MAINE STATE
BOARD OF NURSING

DATED: 10/20/08


MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 10/21/08


JOHN H. RICHARDS
Assistant Attorney General